

**MINUTES OF THE  
SOUTH OGDEN CITY COUNCIL MEETING  
Tuesday, January 20, 2015 – 6:00 p.m.  
Council Chambers, City Hall**

**COUNCIL MEMBERS PRESENT**

Mayor James F. Minster, Council Members Sallee Orr, Wayne Smith, Brent Strate, Russ Porter and Bryan Benard

**STAFF MEMBERS PRESENT**

City Manager Matt Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, HR Specialist Patti Randolph, Information Systems Administrator Brian Minster, City Planner Mark Vlasic and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Walt Bausman, Jerry Cottrell and others

**I. OPENING CEREMONY**

**A. Call to Order**

Mayor James F. Minster called the meeting to order at 6:01 pm and entertained a motion to convene.

**Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Porter. In a voice vote Council Members Strate, Orr, Porter, Benard and Smith all voted aye.**

**B. Prayer/Moment of Silence**

The mayor led those present in a moment of silence.

**C. Pledge of Allegiance**

Council Member Smith directed everyone in the Pledge of Allegiance.

Mayor Minster then indicated it was time for public comments and invited anyone who wished to come forward.

**II. PUBLIC COMMENTS**

**Jerry Cottrell, 5765 S 1075 E** – recalled the presentation in a prior meeting proposing a quarter cent sales tax increase to fund roads. He said the difference between regular people and government was when people found themselves in a financial bind, they looked for ways to cut costs in their budget; government just looked at increasing revenues. He said increasing taxes might not be the best way to balance the books. He shared some experiences from his career working for the

federal government, saying that there were always ways to cut costs and get rid of inefficiencies. He also acknowledged Council Member Strate who had expressed concern over the regressive nature of a sales tax increase. Mr. Cottrell provided a written copy of his comments for the record (see Attachment A).

Council Member Smith shared some information concerning the proposed tax increase with Mr. Cottrell.

**Ross Wille and Sammi Gholami, Bonneville High School Officers** – Mr. Wille spoke on behalf of the graduating class of Bonneville High School, asking for a donation from the city for the school's graduation party. The party would be held at Fat Cats in Ogden and provide a safe, fun place for students to celebrate their graduation from high school. He said that 75% of the graduating class attended the party. The mayor asked Mr. Wille for a letter requesting the donation. City Manager Dixon then informed those present that a line item for the donation had been included in the current budget and the city would be happy to make their annual contribution.

**Kylee Strate, Bonneville Communities That Care** –had brought fliers for the upcoming Town Hall Meeting sponsored by the Bonneville CTC, which would be about underage drinking. The Town Hall event would be at Bonneville High School at 6:30 pm on Thursday. She hoped the fliers would encourage the council to tell their family and friends about the event. Ms. Strate then thanked Council Member Sallee Orr for her help with the Bonneville Communities That Care Program.

### **III. RECOGNITION OF SCOUTS/STUDENTS PRESENT**

Mayor Minster invited all scouts and their leaders to come forward and introduce themselves. Council Member Porter presented each scout with a South Ogden City pin. Those present from Troop 256 were Harrison Pfaff, Tennessee Nichols, Boston Peterson, Jackson Peterson, and leaders Valerie Story and Jamie Cypers. Members of Troop 185 present were: Brigham Smith, Landon Spencer, and leaders Frank Howka and Samuel Smith.

### **IV. CONSENT AGENDA**

- A. Approval of December 9, 2014 Special Meeting Minutes**
- B. Approval of January 6, 2015 Council Meeting Minutes**
- C. Approval of Class C Beer License for Tree-O Located at 6086 Ridgeline Drive**
- D. Set Date For Public Hearing (February 3, 2015 at 6 pm or as soon as the agenda permits)**  
**To Receive and Consider Comments on Proposed Changes to Permitted and Conditional Uses in Residential Zones**

Mayor Minster read through the consent agenda and asked if there were any questions.

Council Member Orr pointed out some corrections on the minutes:

Line 87 of the January 6, 2015 minutes should indicate that the idea to have a water committee came from the plan itself, not from her.

Line 179 should say "Bonneville CTC" rather than just "CTC".

Council Member Strate then asked some questions concerning the beer license, specifically as to collecting taxes on the food in the restaurant. Staff indicated the state collected the taxes and forwarded the city's share back to us. They also explained the beer license was for a restaurant that was for the use of the residents and guests of the senior living facility, and would not be open to the general public. Meals provided in the restaurant would be included in the residents' monthly fees, and taxes would be collected according to the rules of the state tax commission for these types of facilities. The beer license simply gave the restaurant permission to serve beer with the meals served.

Council Member Orr asked how they would track the sale of food and beer in order to

ascertain the receipts for food exceeded those for beer. She said she would like more information before voting on this matter. The mayor took a voice vote to determine if the council would like to table this item.

**Council Members Smith, Orr, Strate, and Benard voted in favor of tabling the item; council Member Porter voted nay.** Approval of the beer license was tabled until more information could be obtained as to how receipts would be tracked.

The mayor then called for a motion for the remaining items on the consent agenda.

**Council Member Porter moved to approve the consent agenda, items A, B and D. The motion was seconded by Council Member Benard. The voice vote was unanimous in favor of the motion.**

**Items A,B and D of the consent agenda were approved.**

## **V. PUBLIC HEARING**

### **A. To Receive and Consider Proposed Changes to the FY2015 Budget**

Mayor Minster then announced it was time to move into a public hearing and entertained a motion to do so.

**Council Member Benard moved to leave council meeting and open a public hearing to receive and consider proposed changes to the FY2015 Budget. Council Member Smith seconded the motion. Everyone present voted aye.**

City Finance Director Steve Liebersbach came forward and reviewed the proposed amendments to the budget. The mayor then asked if there was anyone from the public who would like to come forward and comment. No one came forward. The mayor then called for a motion to close the public hearing.

**Council Member Porter moved to leave the public hearing and reconvene as the South Ogden City Council, with a second from Council Member Orr. The voice vote was unanimous in favor of the motion.**

## **VI. PRESENTATION**

### **A. Mark Cram, Siemens Industry, One Year Reconciliation Statement Report**

Mr. Cram explained this presentation of the annual statement was required under the contract with the city as well as through state statute. He showed a visual presentation (see Attachment B), discussing the scope of the streetlight replacement project and the savings incurred. He also pointed out that from this time forward, all parts, but not labor for repair of the streetlights would be under warranty. He concluded by saying that the city would continue to receive yearly savings reports.

## **VII. DISCUSSION / ACTION ITEMS**

### **A. Advice and Consent of the Appointment of Steve Pruess and Todd Heslop to the Planning Commission**

Mayor Minster asked if the council had any questions about the appointments. There were no questions. The mayor called for a motion.

**Council Member Strate moved to approve the appointment of Steve Pruess and Todd Heslop to the planning commission, with a second from Council Member Smith. The vote was unanimous in favor of the motion.**

**B. Consideration of Ordinance 15-04 – Amending the FY2015 Budget**

Mayor Minster asked if the council had any questions concerning the budget amendments. Council Member Smith asked a question concerning the new firefighter position and if the ambulance fund would continue to pay a portion of the salary. City Finance Director Steve Liebersbach indicated it would; this was in line with how the rest of the firefighter positions were funded. Council Member Strate asked if the fire department shifts would remain the same with the new position. City Manager Dixon indicated the shifts would be the same, but the city would rely less on part-time staff to fill the shifts.

Council Member Orr asked questions concerning the dash-cam cameras being purchased with the recent grant to the police department; she wondered if the city could also buy body cameras with the funds. Police Chief Parke indicated recent changes in the rules would allow the city to buy either dash-cams or body cameras and staff was looking into both possibilities. Council Member Smith mentioned that the council may want to have discussions concerning body cams at the retreat in February, as it was his understanding that servers must also be purchased to store the images from the body cams. The council then discussed the budget amendment for the replacement of the computers in the council chambers with ipads. The council asked several questions concerning the current computers and the cost and need to replace them. Information Systems Administrator Brian Minster answered their questions as well as addressing concerns about functionality and security of the new ipads. There was no more discussion on the budget amendments. Mayor Minster entertained a motion concerning Ordinance 15-04.

**Council Member Smith moved to adopt Ordinance 15-04, amending the FY2015 budget. Council Member Benard seconded the motion. After determining there was no further discussion, the mayor called the vote:**

<b>Council Member Smith-</b>	<b>Yes</b>
<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Porter-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>

**Ordinance 15-04 was adopted.**

**C. Consideration of Ordinance 15-05 – Amending the Consolidated Fee Schedule**

City Manager Dixon explained the amendments to the consolidated fee schedule would correct some unintended consequences from the last changes. He said Chief Parke and City Attorney Bradshaw had worked together to make the changes. Mr. Bradshaw pointed out the changes had been red-lined in the council's packets so they could see what changes had been made. Council Member Benard suggested a change to the placement of the sex offender fee on the chart so it was clearer. He also suggested some changes in wording to the portion of the fee schedule concerning police photos, audio, etc.; he felt the current wording was miss-leading. There was quite a bit of discussion on the process in releasing photos and videos for a request, and the different laws involved. Council Member Benard said if someone came in to ask for a dash cam video, and it only took three minutes to

process, would they be charged nothing as per the GRAMA language, or \$25 for the per disc fee stated? He said there was some ambiguity in the language that needed to be cleared up. There was more discussion on some appropriate wording; Mr. Benard suggested it say "\$25 for each audio, photo or video file". There was more discussion on the fees and not charging for the first fifteen minutes of work involved in processing a record. Council Member Smith suggested they table the item and have staff come back with different suggestions. Council Member Porter suggested they approve it and if there were issues, staff come back with changes. Mayor Minster said they could make a motion to table the ordinance or if not, he would entertain a motion to adopt Ordinance 15-05.

**Council Member Porter moved to adopt Ordinance 15-05, amending the consolidated fee schedule. Council Member Smith seconded the motion. There was no further discussion. The mayor made a roll call vote.**

Council Member Porter-	Yes
Council Member Smith-	No
Council Member Strate-	No
Council Member Benard-	No
Council Member Orr-	No

**The motion did not pass.**

Staff was instructed to bring the fee schedule back with the ambiguities fixed.

**D. Consideration of Resolution 15-01 – Approving a Franchise Agreement With Comcast**

City Attorney Bradshaw explained he and the attorney from Comcast had been working on the agreement for some time, the last item being cleared up that afternoon. The language of the resolution gave the city manager authority to negotiate any last remaining details of the agreement; if he was not able to get them resolved then the council's approval of the agreement would be null and void. He recommended approval of the resolution. Council Member Orr asked if the city could require Comcast and other similar companies to install more eye pleasing boxes when they came into the city. The council discussed the matter. Council Member Benard suggested City Manager Dixon bring it up as he was finalizing the agreement, but they not make it a condition of passing the resolution. There was no more discussion. The mayor called for a motion.

**Council Member Benard moved to adopt Resolution 15-01, followed by a second from Council Member Smith. The mayor then called the vote:**

Council Member Benard-	Yes
Council Member Smith-	Yes
Council Member Strate-	Yes
Council Member Orr-	Yes
Council Member Porter-	Yes

**Resolution 15-01 was adopted.**

**E. Consideration of Resolution 15-02 – Approving an Agreement with Midway West Amusements for South Ogden Days Carnival**

City Attorney Bradshaw said this contract was the same the city had with Midway West for the last few years, other than a few changes Midway West had requested. One of the changes was the number of rides they would provide. Mr. Bradshaw indicated he had

negotiated the number to remain the same as previous years. There were some other details they were still negotiating, including the percent of revenue for advanced ticket sales the city would receive and the use of power and water at the site where they set up. Mr. Bradshaw recommended approval as he would negotiate the contract to remain as it had been in past years. There were no questions from the council. Mayor Minster entertained a motion concerning the resolution.

**Council Member Orr moved to approve Resolution 15-02. The motion was seconded by Council Member Strate.** Council Member Smith asked what would happen if they approved the resolution when negotiations were still taking place. City Attorney Bradshaw said if they city did not get what they wanted, they would report back to the council and the agreement would be null and void. **The mayor then called the vote:**

Council Member Orr-	Yes
Council Member Strate-	Yes
Council Member Smith-	Yes
Council Member Porter-	Yes
Council Member Benard-	Yes

**The motion to adopt Resolution 15-02 passed.**

**F. Consideration of Resolution 15-03 – Approving an Agreement With Northern Utah Turf Specialists for Abatement Services**

Police Chief Darin Parke addressed this item. He explained the city had been using Northern Utah Turf Specialists for several years for abatement of ordinance violations of junk and weeds. The city used them infrequently; in 2010 they were only used three times and again for three times in 2012, but they had not been used since then. Even though they were not used often, staff would like to keep the arrangement with them for quick handling of violations in the future. The Chief pointed out there had been some increase in the cost of the services provided, but they were minimal. Council Member Orr asked if they were a local company. Chief Parke said they were from Layton. They had won the bid when the RFP was sent out several years ago. There was no further discussion so the mayor called for a motion.

**Council Member Benard moved to adopt Resolution 15-03, followed by a second from Council Member Porter. Seeing no further discussion, the mayor made a roll call vote:**

Council Member Benard-	Yes
Council Member Porter-	Yes
Council Member Orr-	Yes
Council Member Strate-	Yes
Council Member Smith-	Yes

**The agreement was approved.**

**G. Consideration of Resolution 15-04 – Approving an Agreement With PEHP for Health Insurance Benefits**

Human Resource Specialist Patti Randolph said staff had reviewed several health care providers for its eligible employees, and PEHP was not only a win for the employees but for the city itself. For the employees, it offered both IHC and non-IHC providers and kept out-of-pocket expenses the same. For the city, there was only a very small increase in costs from what it paid for benefits in 2014. Council Member Orr asked a question concerning

the rates for retirees which Ms. Randolph answered. There was no more discussion. The mayor entertained a motion concerning Resolution 15-04.

**Council Member Porter moved to adopt Resolution 15-04. Council Member Benard seconded the motion. There was no further discussion. The vote was called.**

<b>Council Member Porter-</b>	<b>Yes</b>
<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>
<b>Council Member Smith-</b>	<b>Yes</b>

**The agreement with PEHP was approved.**

**H. Discussion on Opening City Trails for Winter Months**

Mayor Minster suggested they recess the meeting for a short break and called for a motion to do so.

**At 7:55 pm, Council Member Porter moved to recess, with a second from Council Member Orr. The voice vote was unanimous in favor of the recess.**

At 8:13 pm, the mayor called for a motion to reconvene city council meeting.

**Council Member Smith moved to reconvene as the South Ogden City Council. The motion was seconded by Council Member Porter. All present voted in favor of reconvening.**

Mayor Minster then turned the time to Parks and Public Works Director Jon Andersen to facilitate the discussion on winter trail maintenance.

Mr. Andersen reviewed the information he had provided the council in their packets. He recommended that all the trails be rejuvenated; the Glasmann and Friendship Park Trails were in dire need and the Nature Park Trail was not far behind. He pointed out to the council the costs of the different types of rejuvenation and mentioned the city had applied for a RAMP grant to treat the trails. He also presented the different types of utility vehicles that would be best for the winter maintenance of the trails. Mr. Andersen then showed how other cities maintained their trails, and concluded with the estimated costs for each time the trails were plowed in the winter; between \$220 and \$500.

Council Member Porter said he was not convinced the trails in every park needed to be maintained; he felt the city could just do the trails at Nature Park. Council Member Smith said the neighborhoods around him were not walkable, and people tended to go to Glasmann Park to walk the trails there. He felt the city should maintain the trails in every park. If they wanted to just do it on a trial basis, that was fine, but they should do all the parks.

Parks and Public Works Director Andersen also reminded the council of the liability issue with maintaining the trails. City Attorney Bradshaw had said we needed to “either warn or make safe”. If the city maintained the trails, the assumption was that it would be safe for passage.

Council Member Benard asked about the equipment suggested to maintain the trails and what the city currently had to use. Mr. Andersen said the city would end up paying by using the equipment they currently had to maintain the trails and then pay to repair the damage caused by the equipment later, or paying for the right equipment now and not have to pay for any damage later. He also discussed with the council how many employees and



how long it would take to clear all the trails in the city after a storm. Mr. Andersen's recommendation was that nothing be undertaken this winter to maintain the trails as they had not been treated. Council Member Strate said it was deep enough into the season that it was perhaps a non-issue; he would rather do things right by having the trails treated. Council Member Orr agreed. Mr. Andersen asked if he should leave things as they were, with the city not maintaining the trails, and wait and see if the RAMP money came through to treat the trails. No one on the council spoke against his proposal.

Council Member Orr then suggested that due to the possible length of the next discussion, they table the department reports to another night. The mayor suggested she make a motion to do so.

**Council Member Orr moved to postpone Chief Parke's and Jon Andersen's reports to another evening and that Chief West give his report before the discussion on conditional uses.** There was some discussion as to when the council could hear the department reports. After deliberation, the council determined it would call a special meeting on February 10, 2015, to hear the department reports.

**Council Member Orr amended her motion; she moved to call a special meeting on February 10, 2015, at 6 pm, in order to hear all the department reports. Council Member Strate seconded the motion. The vote was unanimous in favor of the motion.**

Fire Chief Cameron West came forward to report on the tabletop exercise. It was scheduled for Wednesday, February 11<sup>th</sup>, at 6 pm. It would be a review of the updated emergency plan. In view of the previous motion, he asked the council if they were still agreeable to the date. There was no objection from the council to the date and time.

**I. Discussion on Permitted and Conditional Uses in Residential Zones**

City Manager Dixon referred the council to their packet and the red-lined city code. The changes made had been based on the recommendations from the planning commission. He began discussion of the permitted uses in the R-1 zone. Council Member Orr asked what the difference was between "public" and "private" educational institutions. City Planner Vlasic explained public and charter schools were regulated by the state, whereas private schools were not. The original intent of the planning commission had been to make private educational institutions conditional uses to make sure they fit into a neighborhood better; however, after many discussions, they determined that private schools were inherently the same as public schools, and they should both be permitted uses. The planning commission had also considered whether private schools should be allowed in residential zones at all, and decided that to prohibit them may be viewed as a form of discrimination, especially if the school was connected with a religion. The council discussed different ways of dealing with educational institutions and how other cities had handled them. Council Member Benard pointed out the site development standards specified minimums, but not maximums. He wondered if educational institutions could be limited in size by setting maximums for them. He also said the same could be applied to churches or other permitted uses. Council Member Strate agreed; he felt too much of the code was subjective, especially the part having to do with conditional uses. He would like to see the code be more specific in many areas. City Manager Dixon clarified the council would allow some uses to be permitted, but then wanted a chapter written for that use that would clearly define the vision and standards of the use; or another way to do it might be to make the use conditional, but then have a conditional use chapter that was very well defined. City Attorney Ken Bradshaw cautioned that trying to define conditions too tightly may not always be beneficial. Having some looser definitions allowed the city to be more flexible. It was a conundrum. The tighter you made regulation, the less flexibility you



had; the more flexibility you had, the less control you had. City Manager Dixon asked if the council wanted to pull any of the permitted uses and make them conditional. No one from the council indicated they would like to do that; the permitted uses in the R-1 zone remained the same as the recommendation. Council Member Smith asked how they would determine what the maximum size should be for a church. There was some discussion by the council. City Planner Vlasic warned the council that changing one part of the code could unintentionally affect another, and it would be prudent to proceed with caution. He was concerned what the integrity of the zoning ordinance would be in the end. The council suggested different ways of defining maximums, including creating a new chapter for the use, putting them in the definitions, or the site development standards. City Attorney Bradshaw suggested the standards be stated in the code having to do with each zone; this would allow someone to look in the R-1 zone and see what size was allowed for that particular use in that zone. There was more discussion on how the maximum sizes would be determined. They discussed using the average size of churches in the area and making that the maximum for churches. Council Member Smith felt that private schools should not be limited in size any more than a public school would be.

City Manager Dixon suggested they look at the conditional uses in the R-1 zone. He explained the planning commission had simply removed some of the conditional uses from the code, with the idea that if someone wanted the use, they would have to make application to add it to the zone they wanted it in. Other conditional uses they had just made permitted uses, with the result being there were no more conditional uses in the R-1 zone. The council had no objection to the proposed elimination of conditional uses in the R-1 zone.

They then looked at the permitted uses in the R-2 zone. The council had no changes to the recommendation. Next they looked at the conditional uses in the R-2 zone. Some oversights were corrected of uses that were removed in the R-1 zone and should have been removed in the R-2 as well, with the result being no conditional uses in the R-2 zone.

Mr. Dixon then moved to the R-3 zone, pointing out that multiple buildings on a single lot had been added as a permitted use. He also explained this zone began showing more transitional uses between lower density residential zones and commercial type zones. The council felt that maximums should be added to the library and museum permitted uses. For the conditional uses in the R-3 zone, the planning commission had removed previous uses, but suggested that daycare and nursing home facilities be kept. There was some discussion on daycares and whether they should be allowed in an R-3 zone at all. The council identified an existing daycare center in an R-3 zone, but wondered if a daycare center would fit in other R-3 zones. They also discussed impacts like increased traffic that occurred with daycare centers and nursing homes. City Attorney Bradshaw pointed out that more traffic was inherently expected in higher density zones. Planner Vlasic also pointed out the recommendation to remove higher density residential as a conditional use. He felt if someone wanted more density, they should have to ask for a change to a higher density zone. City Recorder Kapetanov commented the planning commission had discussed daycares and nursing homes for quite a while, concluding that they were uses best left as conditional. City Manager Dixon said that staff would also work to tighten up the conditional use chapter, but still try to find the balance with flexibility. There was more discussion on daycares in R-3 zones. Council Member Strate was concerned that a single family home could convert into a daycare center in the middle of an R-3 zone. Staff pointed out where current daycare centers were located in R-3 zones. After more consideration, it was determined to leave the conditional uses as recommended.

The council next looked at the R-4 zone. City Manager Dixon noted the planning commission had directed staff to create standards to facilitate the removal of conditional uses. The planning commission also determined that the R-4 zone might want to have more conditional uses as it was a transition zone, and having more conditional uses would help the uses fit in. City Planner Vlasic said that land sizes became more important in higher density zones. He also said conditional uses in these types of zones had not been a

problem and seemed to work well; to remove conditional uses just to get rid of them may hurt more than it helps. The council did decide to remove kindergarten as a conditional use as it was included in the definition of daycare center.

City Manager Dixon said staff had not gone to the extent of creating standards for the higher density zones as per the planning commission's recommendation; they had waited for the council to discuss the matter and also for public input. If after all that it was decided that standards should be created for certain uses, staff would move forward with it. The council agreed; they determined the higher density zones should be different from the lower density zones, and the planning commission's recommendations for the R-1 and R-2 zones had addressed most problems. There was no more discussion.

## **VIII. DEPARTMENT YEARLY REVIEW AND QUARTERLY REPORTS**

This item was tabled to another day.

## **IX. REPORTS**

A. **Mayor** – nothing to report.

B. **City Council Members**

**Council Member Porter** – was pleased with the grants the city had applied for and received.

**Council Member Orr** – reminded everyone of the Bonneville Communities That Care Town Hall meeting to be held on Thursday at 6:30 pm. Chief Parke would be participating on a discussion panel for the meeting.

**Council Member Benard** – nothing to report.

**Council Member Strate** – reported the Martin Luther King Day of Service had been a great success. They had worked at the Catholic Community Services facility.

**Council Member Smith** – nothing to report.

C. **City Manager** – nothing to report

D. **City Attorney Ken Bradshaw** – nothing to report.

## **X. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION**

A. **Pursuant to UCA §52-4-205 1(c) to discuss pending or reasonably imminent litigation**

Mayor Minster indicated it was time to enter into an executive session and called for a motion to do so.

**At 10:37 pm, Council Member Benard moved to recess council meeting and convene into an executive session, followed by a second from Council Member Strate. The vote was unanimous to move into executive session.**

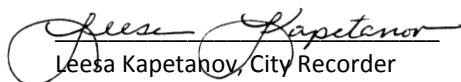
Note: The council moved to the adjoining conference room for the executive session. Staff present in the executive session included City Manager Dixon and City Attorney Bradshaw.

**XI. ADJOURN EXECUTIVE SESSION, RECONVENE CITY COUNCIL MEETING, ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION**

At 10:47 pm, the council returned to the council chambers. Mayor Minster called for a motion to adjourn.

**Council Member Porter moved to leave the executive session, reconvene city council meeting and adjourn. The motion was seconded by Council Member Smith. The voice vote was unanimous in favor of the motion.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, January 20, 2015.

  
Leesa Kapetanov, City Recorder

Date Approved by the City Council \_\_\_\_\_ February 3, 2015 \_\_\_\_\_

## **Attachment A**

Written Comments Provided by Jerry Cottrell

Several weeks ago, we sat through a presentation by the Utah League of Cities where they advocated a 1/4% sales tax increase. We were not permitted to speak at that meeting so I will do so now.

For those who weren't at that meeting, I can summarize it as follows:

- taxes on fuel consumption are based on out-dated formulas;
- costs to maintain roads far outstrip gas tax revenues;
- 1/4% increase isn't much... few will even notice; and
- the collective effect of this increase will solve all of our problems with funding roads.

Naturally, the issue is more complex than that, but I have summarized 20 minutes of presentation into about as many seconds.

But while we are on the subject, I would like to explain a key difference between regular people and governments. All over America... indeed, all over the world, when regular people find themselves in a financial bind, they almost always look first for ways that they can cut expenses to balance the books. Not so with governments. It is often the knee-jerk reaction of governments at all levels to look first to increasing revenues. It is almost as though they don't even acknowledge that it might be possible to balance the books by cutting costs. So what regular people know intuitively and what regular people do instinctively, governments appear to have forgotten or perhaps to have never known. So I just want to remind the City Council that as seductive as the Siren call of sales tax increase might be, increasing revenues is just one way to balance the books... and it may not be the best way.

I'd like to share some "lessons learned" from my own 36-year career with the federal government. I was acutely aware of the fact that my organization did not function on its own money but rather on money taken from the taxpayers. I constantly tried to give the taxpayers the most bang for the buck and I can point to several specifics where I saved the taxpayers many millions of dollars. In fact, my cost-cutting record was the source of a great deal of personal satisfaction. And yet, when the occasional budget squeezes came, I whined, complained, and generally thought life to be unfair whenever my organization was squeezed because, after all, I was already committed to saving money and had done so repeatedly! I thought I had already wrung out all inefficiencies in my organization. In a sense, I had a perfect record; perfect in that I was wrong 100% of the time. Each and every time I was forced to cut costs, I succeeded in doing so! The inefficiencies were always there, but I had not recognized them. I had not recognized them until I was forced to look harder. Now I submit to you that what I experienced is not unique. There are opportunities for greater efficiencies in South Ogden government; I guarantee it. Whether these opportunities are many or few, I have no way of knowing; but the opportunities are there... and perhaps if you look harder, you will find that a sales tax increase is unnecessary.

In closing, I also want to acknowledge that Mr. Strate recognized and expressed a concern for the regressive nature of sales tax increases. While most of us in this room would little note an extra 1/4% taken out of our pockets, there are many in our city who are struggling just to make ends meet. And they will notice. So thank you, Mr. Strate, for speaking up for the least fortunate in our community. Thank you for your attention.

## **Attachment B**

Visual Presentation from Mark Cram



# Street Lighting Annual M&V Report South Ogden, Utah January 2015

1

## Agenda

- Energy Performance Contracting Methodology
- General Project & Savings Review
- Warranty Detail
- Questions and Answers

2

## Energy Performance Contracting Review

- Street-lighting upgrade
- Budget neutral (energy savings guarantee)
- Cash flow positive through the term
- Turn-key solution

3

## General Project Review

- Total lights upgraded – 63 lights with retrofit kits and 406 replaced for a total 469
- Fixture types – Cobra Heads, Town & Country, Post Top, and Shoe Box
- Guaranteed savings – 192,040 kWh annually = \$36,582 annually.
- Achieved savings – 182,811 kWh annually = \$37,077
- Excess cost savings despite less than expected kWh savings due to contractual rate escalation.

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## Savings Summary

FIM ID:	M&V Option	Annual Guaranteed Energy Cost Savings	Guaranteed Operational Cost Savings	Annual Total Guaranteed Cost Savings	Annual Achieved Cost Savings	Annual Cost Savings Variation
1.00- Lighting Retrofits (Street Lights)	E	\$ 11,059	\$ 24,176	\$ 35,235	\$ 35,593	\$ 357
2.00- Lighting Retrofits (Parking Lot Lights)	E	\$ 1,346	\$ -	\$ 1,346	\$ 1,485	\$ 139
<b>TOTALS</b>		<b>\$ 12,406</b>	<b>\$ 24,176</b>	<b>\$ 36,582</b>	<b>\$ 37,077</b>	<b>\$ 496</b>

FIM ID:	M&V Option	Guaranteed or Expected	Electricity Savings (kWh)	Demand Savings (kW/Yr)	Gas Savings (Therms)	Water Savings (kGal)
1.00- Lighting Retrofits (Street Lights)	E	Guaranteed	171,192			
		Achieved	161,964			
2.00- Lighting Retrofits (Parking Lot Lights)	E	Guaranteed	20,848			
		Achieved	20,848			
<b>TOTALS</b>		<b>Guaranteed</b>	<b>192,040</b>			
		<b>Achieved</b>	<b>182,811</b>			
		<b>Variation</b>	<b>-9,229</b>			

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## Installation Summary

UTILITY LINE ITEM#	QUANTITY*	RATED LAMP WATTAGE	LAMP TYPE	TARIFF SCHEDULE	RUN HOURS PER LAMP	FIXTURE WATTAGE	kWh USED PER YEAR	ESCALATED BASELINE RATE	ANNUAL ENERGY SPEND
1	6	70	HPS	12F	3,895	95	2,220	\$0.071222	\$ 158
2	366	100	HPS	12F	3,895	130	185,324	\$0.071222	\$13,199
3	12	150	HPS	12F	3,895	188	8,787	\$0.071222	\$ 626
4	1	250	HPS	12F	3,895	295	1,149	\$0.071222	\$ 82
5	10	400	HPS	12F	3,895	465	18,112	\$0.071222	\$ 1,290
6	6	100	HPS	12P	3,895	130	3,038	\$0.071222	\$ 216
7	2	250	HPS	12P	3,895	295	2,298	\$0.071222	\$ 164
8	54	400	HPS	12P	3,895	465	97,803	\$0.071222	\$ 6,966
9	1	400	MV	12P	3,895	455	1,772	\$0.071222	\$ 126
17	1	175	MH	12E	3,895	191	744	\$0.071970	\$ 54
21	10	400	HPS	12E	3,895	465	18,112	\$0.071970	\$ 1,304
SUBTOTAL QUANTITIES AND SAVINGS BY WATTAGE									
1	6	70				95	2,220		\$ 158
3	12	150				188	8,787		\$ 626
4, 7	3	250				295	3,447		\$ 246
17	1	175				191	744		\$ 54
5, 8, 9, 21	75	400				465	135,799		\$ 9,685
2, 6	372	100				130	188,362		\$13,415
<b>TOTALS</b>	<b>469</b>						<b>339,360</b>		<b>\$24,184</b>

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## Warranty Detail

- Warranty Period
  - Labor and Material – 18 months
  - Material – Additional 8.5 years
- Contact Information:
  - Project Coordinator
  - [Melissa.torna@siemens.com](mailto:Melissa.torna@siemens.com)
  - 714-630-2100

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## ***Next Steps***

- Continue Warranty Period
- Annual Measurement and Verification Reports

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